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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Part 90 of the
Commission's Rules Pertaining to
Separate Licensing of End Users
of Specialized Mobile Radio Systems

)
) PR Docket No. 92-78

)
) RM-7407
) RM-7749
)

To: The Commission

**COMMENTS
OF THE
SPECIAL INDUSTRIAL RADIO SERVICE ASSOCIATION, INC.**

The Special Industrial Radio Service Association, Inc. (SIRSA), pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission (Commission), hereby respectfully submits these Comments in response to the Notice of Proposed Rule Making (Notice) adopted by the Commission on April 9, 1992 in the above-styled proceeding.^{1/}

I. PRELIMINARY STATEMENT

1. The Special Industrial Radio Service Association, Inc., a non-profit association organized under the laws of the District of Columbia, is the Commission's certified frequency coordinator for the Special Industrial Radio Service and the Industrial/Land Transportation 800/900 MHz frequency "pools." SIRSA also coordinates channels from the general access pool for those entities (a) eligible to become Industrial/Land Transportation licensees,

^{1/} Notice of Proposed Rule Making, FCC 92-171, PR Docket No. 92-78, 57 Fed Reg. 20069 (May 11, 1992).

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(b) wishing to expand trunked systems, or (c) consolidating conventional systems into a trunked system. SIRSA coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated to the Special Industrial Radio Service and the enumerated 800/900 MHz frequency "pools."

2. SIRSA enjoys the support of a membership that includes more than 12,000 licensed two-way land mobile radio communications users and the following trade associations:

Alliance of Motion Picture and Television Producers
American Iron Ore Association
American Mining Congress
Associated Builders & Contractors, Inc.
Florida Citrus Processors Association
Florida Fruit & Vegetable Association
National Aggregates Association
National Agricultural Aviation Association
National Food Processors Association
National Propane Gas Association
National Ready-Mixed Concrete Association
National Utility Contractors Association
New England Fuel Institute
Petroleum Equipment Suppliers Association
United States Telephone Association

Accordingly, when viewed in the light of the Special Industrial eligibility criteria found in Section 90.73(a) of the Commission's Rules and Regulations, SIRSA's membership is broadly representative of licensees authorized to operate facilities in the Special Industrial Radio Service.

3. The Commission has proposed changes to the current

application requirements for mobile radio authorizations to cover facilities to be

shared by several persons. Other proposed rule amendments affect the requirements governing applications to modify an authorization to increase the number of operating mobile transmitters. The purpose of this rule making proceeding is to reduce the regulatory and administrative burden to FCC applicants and the Commission's licensing staff. Because of the impact of these proposals on SIRSA's membership, SIRSA is pleased to have this opportunity to comment on several elements of the Commission's proposals.

II. COMMENTS

4. SIRSA, generally supports adoption of the Commission's proposals to streamline and eliminate unnecessary application preparation and processing. SIRSA fully supports the Commission's initiative to make its licensing process as efficient and effective as possible. Nevertheless, we do have several recommendations that address concerns that the Commission not eliminate procedures that do provide useful resources to the Commission and applicants.

A. Elimination of Initial End Users Lists Submitted to the Commission

5. The Commission has determined that the submission of end user lists with initial applications for shared facilities pursuant to Section 90.179(e) of the rules serves no useful purpose. This information is apparently not used by the Private Radio Bureau's (Bureau) licensing staff in processing applications for shared facilities, and the Commission perceives no need to continue this requirement. The Commission concedes, however, that this

information is occasionally used to confirm that applicants proposing to operate systems as non-profit cooperatives at 800 MHz are truly cooperatives and that the number of frequencies request is not overstated.^{2/}

6. It is therefore apparent that there is value to the continued submission of initial end users lists for applicants applying for shared, non-profit cooperative facilities to be operated on channel assignments from the bands above 800 MHz. Accordingly, SIRSA recommends that the Commission eliminate the submission of end user lists only in connection with applications that seek assignment from the bands below 800 MHz.

B. Elimination of End Users Lists Submitted to Coordinators

7. Section 90.179(e) of the Commission's rules also requires a licensee of a shared facility to submit to the applicable coordinator an updated end user list eight months after the initial grant of the authorization, annually thereafter, and whenever the system's total mobile and control stations count decreases by 20 percent. The Commission again believes that this information is unnecessary as the submission of the list does not assist the coordinator in maintaining an accurate data base, nor has the submission resulted in assistance by the coordinators with the enforcement of the Commission's rules. Additionally, elimination of this requirement would alleviate the concern of an infringement of customer data confidentiality. Accordingly, the Commission proposed to eliminate this requirement.

^{2/} Notice at fn. 30.

8. SIRSA supports the elimination of this requirement. The Commission's reasoning is correct that there is only minimal value from the coordinator's point of view in having access to the end user list. Information gleaned from an end user list may be helpful in a frequency recommendation, but such information has a limited "life span." Contrary to the allegations of the End User Petitioners, SIRSA sees little risk that end users lists submitted to the coordinator have resulted or would result in an infringement of costumer data confidentiality. In any event, SIRSA favors amendment of Section 90.179(e) to eliminate the requirement for submission to coordinators of end user lists.

C. License Modification Requirements for Paging Systems

9. The Commission proposed to amend Section 90.135(a)(8) of its rules to require that the one-way paging licensees need only modify their licenses when the number of receivers increase or decrease 35% from the level authorized. The Special Industrial Radio Service shares, on a secondary basis, the one-way paging frequencies, 152.48 MHz, 157.740, 154.625 and 158.460.^{3/} Special Industrial Radio Service use of the 154.480 MHz and 157.740 MHz channels is severely limited because Business Radio Service licensees typically operate their co-channel paging systems on these frequencies at the maximum 350 watts output power. Accordingly, SIRSA does not attempt to recommend

^{3/} The frequencies 154.625 and 158.46, utilized for paging, are limited to a maximum output power of 20 watts, whereas the frequencies 152.48 MHz and 157.74 MHz can be authorized with a maximum output power of 350 MHz for paging operations.

these frequencies on a secondary basis to its eligibles in areas in which these channels are authorized to Business Radio Service licensees. SIRSA is also very cautious in recommending the two adjacent Special Industrial channels, 152.465 MHz or 157.725 MHz because of high power transmitters operated on the adjacent assignments.

10. On the other hand, SIRSA can successfully recommend secondary tow-way use of the low power paging channels, 154.625 MHz and 158.46 MHz. Therefore, it is important that SIRSA be aware of the changes in utilization of these paging channels. We do not believe that an increase or decrease of less than 35% in the number of paging receivers will impair our ability to coordinate these frequencies; and we therefore support adoption of the Commission's proposal. The Commission, however, must retain some measure of control over the number of paging receivers in use to ensure that the spectrum is effectively utilized in both the Special Industrial and Business Radio Services.

**D. Signalling Standard for Systems Operating on
Paging-Only Channels**

11. As an alternative to requiring modification to a paging-only license based on the increase or decrease in the number of paging units, the Commission proposed to establish a measure of channel occupancy for paging-only channels. The Commission is well-advised not to implement such a measure. The method is too complicated, and SIRSA questions whether the

Commission could reliably measure use by this method. SIRSA strongly recommends that the Commission not adopt this proposal.

E. Non-Paging Channels License Modifications for Increase or Decrease of Mobile Stations

12. Parallel to the Commission's proposal for requiring license modifications only when a percentage change in the number of paging receivers occurs, the agency also proposed to amend Section 90.135(a)(5) to require licensees operating on two-way channels to file an application to modify an authorization when the number of mobile transmitters increases or decreases by 20% from that authorized. This rule amendment would apply only to systems in the bands below 470 MHz, and to systems in the 470-512 MHz band and conventional systems in the 800 MHz that have achieved exclusivity.

13. SIRSA favors adoption of the Commission's proposal to require license modification when the number of mobiles increases or decrease by 20%, except in the 470-512 MHz band and the 800 MHz band when systems have not achieved exclusivity. Typically, applicants/licensees submitting applications for systems overstate the number of mobile transmitters that will operate on the system to allow for future growth. The Commission's proposal will perhaps encourage licensees to more accurately reflect the number of mobiles to be installed and operated on a system initially, with the assurance that future growth will not require additional application preparation and processing.

F. Frequency Coordination Requirements for Mobile Licensing

14. Finally, the Commission proposed to eliminate the requirement that applications to modify a license solely to add or delete mobile units be submitted to the Commission through the applicable frequency coordinator, except for applications increasing the number of mobiles for systems operating the 470-512, or on conventional channels at 800 MHz that have not achieved exclusivity. The Commission bases its proposal on the fact that a coordinator rarely if ever declines to coordinate a request for an increase of mobiles. Accordingly, the Commission questions the validity of coordination for these applications.

15. Contrary to the assertions of the Commission, there is a benefit to both the applicant and the Commission in the submission of these applications to the coordinator. SIRSA provides a review of these applications to ensure that the applications are properly completed and accurate. The time and cost of submitting these applications to SIRSA is minimal,^{4/} but the benefits may be significant to the applicant and the Commission's processing staff. Even though SIRSA has no objection to the elimination of the coordination requirement for these applications, the Commission should not be adverse to applicants continuing to submit these applications through SIRSA, should they desire to do so.

^{4/} SIRSA has not charged applicants since 1986 the full coordination fee for mobile changes.

16. SIRSA absolutely agrees with the Commission that applications concerning mobile loading for systems operating in the 470-512 MHz and on a conventional basis in the 800 MHz band that have not obtained exclusivity must continue to be coordinated. This information is critical to the coordinator, and any delay in obtaining this information could result in the issuance of erroneous frequency recommendations.

III. CONCLUSION

17. SIRSA generally supports adoption of the Commission's proposals to eliminate unnecessary administrative burdens in the licensing process. Nevertheless, several of the requirements in the rules do provide substantial information that should not be eliminated. Specifically, SIRSA recommends that the Commission not eliminate the initial end user lists for applications seeking authority for non-profit cooperative systems to be operated on channels above 800 MHz.

WHEREFORE, THE PREMISES CONSIDERED, the Special Industrial Radio Service Association, Inc. respectfully requests the Federal

Communications Commission take action in this proceeding in a manner fully consistent with the views expressed herein.

Respectfully submitted,

**SPECIAL INDUSTRIAL RADIO SERVICE
ASSOCIATION, INC.**

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